

Consideration of recommendation for preliminary adoption of amendments to 312 IAC 9-1-7 and 312 IAC 9-10-13 governing falconry licenses; Administrative Cause No. 10-088D

In October of 2008, the U.S. Fish and Wildlife Service finalized changes to the regulations governing falconry licenses. As a result, changes are needed to the Indiana administrative rule governing falconry licenses in order to comply with the new federal regulations. The majority of the proposed changes are federal requirements, but some provisions are established by the state, including the season for taking birds from the wild for use in falconry and the falconry hunting seasons.

Falconry is the sport of caring for and training raptors for pursuit of wild game, and hunting wild game with those raptors. There are approximately 80 licensed falconers in the State of Indiana at this time.

Below is a list of the primary changes to this rule:

- Clarifies the license requirements for those who let their falconry license lapse but do not have a raptor in possession
- Clarifies testing requirements as to how many times a person can take the test before passing
- Adds more detailed housing requirements
- Clarifies where facilities can be held if not on the license holder's property
- Clarifies transportation requirements
- Clarifies requirements for allowing another person to care for a license holder's raptor
- Requires an inspection required prior to obtaining a bird instead of at the time the license is issued
- Modifies banding requirements
- Clarifies sponsor requirements
- Lowers age for general class license holder to age 16
- Clarifies species that can be possessed for general class falconers
- Increases the number of birds that master falconers can possess to 5 wild-caught birds, including eagles, and allows an additional 15 captive-bred raptors to be possessed
- Clarifies reporting requirements when a raptor is captured
- Clarifies that the falconer must carry a copy of his/her license in possession at all times while trapping, transporting, working with or flying falconry raptors
- Clarifies that raptors can be transferred to other license holders with appropriate permits
- Prohibits hybrid raptors from being released into the wild
- Allows a general or master class falconer to hack raptors lawfully possessed to condition raptors for falconry
- Clarifies that other falconry practices such as creance flying, lures, balloons and kites can be used in training and conditioning falconry raptors
- Clarifies that wild raptors cannot be purchased, sold, traded or bartered

- Clarifies requirements for transferring birds and reporting the transfer
- Allows falconry birds to be used in conservation education
- Clarifies that photography, filming, and other such uses of falconry birds can be done, but no monetary compensation is allowed;
- Clarifies that falconers cannot use falconry raptors to make movies, commercials, or other commercial ventures that are not related to falconry and cannot use raptors for entertainment, advertisements, promotion, etc.
- Clarifies that a falconer can take another person hunting with them with the aid of a raptor, but it can only be a relative or friend that has not paid a fee to accompany the falconer, and the person cannot handle the birds or retain possession of any wild animals taken with the aid of a raptor
- Allows master class falconers to use birds for abatement activities with a permit from the USFWS and the DNR
- Clarifies possession of feathers and carcasses from falconry birds
- Clarifies requirements when prey is taken without the intent of the license holder
- States that permission from the landowner or property manager is required to capture or release a raptor or to practice falconry on public lands
- Clarifies that falconers cannot take a state or federally listed species
- Extends the seasons for taking eyasses (young raptors still in the nest) and nestlings from the wild in Indiana
- Changes the bag limit for gray and fox squirrels to two squirrels per day per raptor
- Allows falconers to carry a handgun possessed under a personal protection permit while hunting with a raptor
- Clarifies that falconry birds can be used at night to hunt game
- Authorizes the taking of crows, European starlings, English sparrows, and rock pigeons with the use or aid of a motor driven conveyance that is not under power, not in motion, and on private property if the license holder is not in possession of a firearm.
- Exempts licensed falconers from wearing hunter orange while hunting squirrels, rabbits, quail, and pheasants on property where the discharging of a firearm is prohibited by local ordinance, unless the license holder is in possession of a firearm.
- Adds definitions for terms used in this rule

The Indiana Falconer's Association has requested several of the changes, including the extension of the season for taking eyasses and nestlings from the wild and the increase in the bag limit for squirrels.

The DNR is requesting a recommendation for preliminary adoption of these amendments.

Draft
5/21/10

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #10-

DIGEST

Amends 312 IAC 9-1-7 governing the definition of the term "falconry." Amends 312 IAC 9-10-13 governing falconry licenses. Effective thirty (30) days after filing with the Publisher.

312 IAC 9-1-7
312 IAC 9-10-13

SECTION 1. 312 IAC 9-1-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-1-7 "Falconry" defined

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 7. "Falconry" means the sport of ~~taking quarry by means of a trained raptor~~ **caring for and training raptors for pursuit of wild game, and hunting wild game with raptors. Falconry includes the taking of raptors from the wild to use in the sport; and caring for, training, and transporting raptors held for falconry.** *(Natural Resources Commission; 312 IAC 9-1-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 2. 312 IAC 9-10-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-13 Falconry licenses

Authority: IC 14-11-2-1; IC 14-22-2-6; IC 14-22-23

Affected: IC 14-22

- Sec. 13. (a) A person must not take, possess, transport, barter, sell, or purchase a raptor for falconry purposes or to practice falconry except as provided under this section.
- (b) A license under this section expires the last day of February of the third (**3rd**) year following the year in which the license is issued.
- (c) An application to practice falconry must be completed upon a **signed** departmental form. ~~Before a license may be issued, the applicant must do each of the following:~~
- (1) **An apprentice class license may be issued to a person who correctly answer answers** at least eighty percent (80%) of the questions on a supervised examination covering ~~basic~~ **raptor** biology, ~~the~~ care, and handling of raptors, and ~~the~~ **federal and state** laws relating to the practice of falconry.
 - (2) ~~Establish that the applicant has also completed an application for a federal falconry permit.~~
 - (3) ~~(2)~~ **Meet any other requirements contained in this article section.**
 - (3) **A person who fails an examination under this section may retake the examination one (1)**

additional time within forty-five (45) days, but not again within one hundred eighty (180) days

after a second failure.

(4) If a person does not currently have a falconry license but had a state or federal falconry license in the past and:

(A) has not had a valid falconry license for less than five (5) years, the license may be reinstated at the level held previously if the applicant has proof of the certification at that level,

(B) has not had a valid falconry license for five (5) years or longer, the applicant must correctly answer at least eighty percent (80%) of the questions on a supervised examination covering raptor biology, the care and handling of raptors, and the federal and state laws relating to the practice of falconry. If the applicant passes the exam, the license may be reinstated at the level previously held. The applicant's facilities must pass an inspection by a conservation officer before taking possession of a falconry bird.

(5) For an individual that is a new resident in the United States, the applicant may qualify for

the falconry license appropriate for his/her experience. To demonstrate the applicant's

knowledge of United States falconry laws and regulations, the individual must correctly answer

at least eighty (80) percent of the questions on the supervised examination for a falconry license

supervised and administered by the department. After passing the examination, the department

will decide the level of falconry license for which the applicant is qualified, consistent with the

class requirements in subsections (n), (o), and (p) of this section. To do so, the department shall

base its decision on the documentation of the applicant's experience. The applicant's falconry

facilities must meet the standards in subsection (e) before taking possession of a raptor to use in falconry.

(d) If a person resides in the State of Indiana for more than one hundred twenty (120) consecutive days, but does not maintain a primary residence in the state, the person must obtain a falconry license under this section and meet the requirements in this section. A person with a valid falconry license from his or her state of residence must possess only the number and species of raptors allowed for their class of license as authorized under this section to practice falconry while in Indiana.

(e) A license to practice falconry holder is subject to the following conditions:

(1) ~~No~~ A license holder must not take a species of raptor ~~may be taken~~ from the wild in Indiana ~~which that~~ is classified as threatened or endangered under:

(A) 50 CFR 17.11 (October 1, 1995); or

(B) 312 IAC 9-4-14.

(2) ~~A golden eagle (Aquila chrysaetos) may not be used unless prior written authorization is obtained from the U.S. Fish and Wildlife Service.~~

~~(3)~~ By July 31 of each year, the license holder must complete on a departmental form and submit to the division a report which includes the following information:

(A) A list of raptors possessed by the falconer on June 30 of the year in which the report is filed by species, ~~marker~~ **band** number, sex (if known), age (if known), and the date and where or from whom acquired.

(B) A list of all raptors possessed or acquired since the previous annual report, but no longer possessed, by:

- (i) species;
- (ii) ~~marker~~ **band** number;
- (iii) sex (if known);
- (iv) age (if known); and
- (v) the date and where or from whom acquired.

The list shall also indicate to whom the raptor was given or whether the raptor escaped, died, or was released and when the event occurred.

(C) **A list of any unused bands, by serial number, possessed by the license holder.**

~~(4)~~ **(3) A license holder must report the following within ten (10) days by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to the department if a raptor may not be is:**

- (A) acquired,
- (B) released,
- (C) transferred,
- (D) rebanded,
- (E) micro-chipped or banded,
- (F) stolen,
- (G) lost to the wild and not recovered within thirty (30) days, or
- (H) ~~dead or disposed of unless federal Form 3-186A (Migratory Bird~~

~~Acquisition/Disposition Report) is completed and a copy sent to the department within five (5) days of the transaction. Only a legally possessed raptor which was bred in captivity may be purchased, sold, or bartered. If a raptor possessed by the license holder is stolen, the license holder must report the theft to the department and to the United States Fish and Wildlife Service Regional Law Enforcement office within ten (10) days of the theft of the bird. A license holder must keep copies of all electronic database submissions documenting take, transfer, loss, banding, rebanding or microchipping of each falconry raptor until five (5) years after the bird has been transferred or lost, or the bird has died.~~

~~(e) (f) Before a license is issued, The license holder must have the raptor housing facilities and equipment of the applicant shall be inspected and approved by the division or by an Indiana conservation officer and found to meet the following standards in this subsection before obtaining a bird for use in falconry.~~

(1) The license holder is responsible for the maintenance and security (protection from predators) of raptors possessed under the individual's falconry license.

(2) The license holder must keep all raptors held under the person's falconry license in humane and healthful conditions.

(3) The license holder must be sure that each raptor has a suitable perch and is protected from extreme temperatures, wind, and excessive disturbance when:

- (A) transporting the raptor,
- (B) using it for hunting, or
- (C) away from home with the raptor.

A "giant hood" or similar container is acceptable for transporting or housing a raptor when the raptor is away from its primary enclosure.

(4) ~~(4)~~ The license holder must have facilities ~~shall that~~ consist of indoor facilities (mews), ~~or~~ outdoor facilities (weathering area), or one that combines characteristics of both that are sufficient to protect the raptors from exposure the environment, predators, domestic animals, or other undue disturbance, including the following:

(5) The license holder must provide a suitable perch for each raptor, at least one opening for sunlight, and must provide a healthy environment for the raptor(s) inside.

(6) A license holder may house untethered raptors together if they are compatible with each other.

(7) Each raptor must have an area large enough to allow it to fly if it is untethered, or, if tethered, to fully extend its wings or bate (attempt to fly while tethered) without damaging its feathers or contacting other raptors.

(8) Each raptor must have a pan of clean water available.

(9) For indoor facilities, the following requirements apply:

(A) Mews shall be large enough to allow easy access to for the care and feeding for of the

raptors kept there. If more than one (1) raptor is to be housed, the raptors shall be tethered

or separated by partitions. The area for each bird shall be large enough to allow a full extension of its wings. There shall be at least one (1) window, protected on the inside by vertical bars which are spaced more narrowly than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall allow easy cleaning and shall be well drained. Adequate perches shall be provided.

(B) The weathering area shall be fenced and covered with netting and wire or roofed to protect the birds from disturbances and attack by predators. The enclosed area shall be large enough to ensure the birds cannot strike the fence if flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided. If raptors housed in this indoor facility are not tethered, all walls that are not solid must be protected on the inside. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.

(C) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.

(D) A license holder may keep one or more falconry raptors inside his or her place of residence if each raptor is provide a suitable perch. If the raptor(s) are housed inside the license holder's home, the license holder does not need to modify windows or other openings of the structure. Raptors kept in the license holder's home must be tethered when they are not being moved into or out of the location in which they are kept.

(10) For outdoor facilities, the following requirements apply:

(A) An outdoor facility must be totally enclosed, and must be made of heavy gauge wire heavy-duty plastic mesh, slats, pipe, wood, or other suitable material.

(B) The facility must be covered and have at least a covered perch to protect a raptor held in it from predators and weather.

(C) The facility must be large enough to insure that the birds cannot strike the enclosure when flying from the perch.

(D) New types of housing facilities and/or husbandry practices may be used if they satisfy the requirements above and are approved by the department.

(11) The license holder may keep falconry raptors outside in the open if they are under watch, such as by a license holder or a family member at any location or, for example, by a designated individual in a weathering yard at a falconry meet.

(12) The license holder must inform the department within five (5) business days if the location of the facilities have been changed.

(13) The license holder's falconry facilities may be on property owned by another person where the license holder resides, or at a different location. Regardless of location, the facilities must meet the standards in this section.

(14) If the facilities are on property not owned by the license holder, the license holder must submit to the department a signed and dated statement showing that the property owner agrees that the falconry facilities, equipment, and raptors may be inspected without advance notice by department authorities at any reasonable time of day on any day of the week and in the presence of the license holder.

(15) When transporting a raptor, using it for hunting, or away from home with it, a license holder must be sure that the bird has a suitable perch and is protected from extreme temperatures, wind, and excessive disturbance. A "giant hood" or similar container is acceptable for transporting or housing a raptor when the license holder is away from his/her home.

(g) When the license holder is not transporting or using a raptor for hunting, a raptor may be transported or held housed in a temporary facility for not more than ~~thirty (30)~~ **one hundred twenty (120)**

consecutive calendar days. The temporary facility must be provided with ~~an adequate~~ **a suitable** perch and shall protect the raptor from extreme temperatures, **predators, domestic animals, wind, and** excessive disturbances.

(h) Another falconry license holder may care for one or more raptors of another license holder at the facilities of either license holder for up to one hundred twenty (120) consecutive calendar days as follows:

(1) The other person must have a signed and dated statement from the license holder authorizing the temporary possession, plus a copy of the form 3-186A that shows that the license holder is the possessor of each of the raptors. The statement must include information about the time period for which he or she will keep the raptor(s), and about what he or she is allowed to do with the raptor(s).

(2) The raptor(s) will remain on the falconry license of whose name is on the form 3-186A, and will not be counted against the possession limit of the person caring for the raptors.

(3) If the person caring for another license holder's raptor(s) holds the appropriate level falconry license, he or she may fly the raptor(s) in whatever way authorized by the license holder, including hunting.

(4) This care of the raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency. The department will consider such instances on a case-by-case basis.

(i) Another individual that does not have a falconry license may care for a raptor or raptors for a license holder at the license holder's facilities as follows:

(1) The individual may care for the raptor(s) for up to forty-five (45) consecutive calendar days.

(2) The raptor(s) must remain on the falconry license.

(3) The raptors must remain in the license holder's facilities.

(4) This care of the raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency. The department will consider such instances on a case-by-case basis.

(5) The individual(s) caring for the raptor(s) may not fly them for any reason.

~~(2)~~ (j) A license holder must have the following equipment ~~shall include the~~ for each raptor in possession:

(A) A pair of ~~Allymeri~~ jesses ~~or a similar pliable, of high quality leather or suitable synthetic material~~ **or the materials and equipment to be used when a raptor is flown free make them.** A traditional one (1) piece jesses may be used on a raptor when not being flown.

(B) A flexible, weather-resistant leash and a strong swivel of acceptable falconry design.

(C) A suitable container, two (2) to six (6) inches deep and wider than the length of the raptor, for drinking and bathing by each raptor.

(D) A weathering area perch of an acceptable design for each raptor.

~~(E) A~~ **An appropriate,** reliable scale or balance for weighing a raptor held and graduated to

increments of not more than one-half (½) ounce (fifteen (15) grams).

~~(3)~~ (k) The ~~department may at any reasonable time inspect the~~ records, facilities, **falconry bird(s)** and equipment of a person issued a license under this section **may be inspected only in the presence of the license holder, during business hours on any day of the week, by authorized department officials. In the event of immediate concern for the welfare of the bird, the department may inspect the bird and facilities without the presence of a license holder.**

~~(f) A person licensed under this section must maintain all facilities and equipment at or above the standards established under subsection (e).~~

~~(h)~~(l) A license holder must comply with the following banding requirements:

(1) A numbered, nonreusable ~~marker~~, **permanent band** must be obtained from the department before ~~a person~~ **license holder makes any effort to acquires acquire** a raptor **from the wild.** The ~~marker~~ **band** must be attached to the raptor immediately upon acquisition.

~~(2) The alteration, counterfeiting, or defacing of a marker is prohibited. A falconer~~ **license holder** may

remove the rear tab on a ~~marker~~ **band** and smooth any imperfect surface, if the integrity of the

~~marker band~~ and the numbering are not affected. ~~The loss or removal of a band must be reported to the U.S. Fish and Wildlife Service on federal Form 3-186A and a copy of the form sent~~

~~to the department within five (5) days of the loss or removal. A license holder must not~~ **alter, deface, or counterfeit a band.**

(3) Notwithstanding subsection (l)(1), a licensed falconer may also purchase and implant an ISO (International Organization for Standardization)-compliant (134.2 kHz) microchip in a wild or captive-bred bird in lieu of a band.

(4) Within ten (10) days from the day on which a person takes a raptor from the wild, the person

must report the take of the bird by entering the required information (including band number and/or microchip information) in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to the department. The band number and/or microchip information must be reported when reporting the acquisition of the bird.

(5) A raptor bred in captivity must be banded with a seamless metal band obtained from the department or have an implanted ISO-compliant (134.2 kHz) microchip.

(6) If a seamless band is removed or if it is lost, within ten (10) days from the day the license holder removes the band or notes the loss of the band, the falconer must report it and request a replacement band from the department. The licensed falconer must submit the required information electronically immediately upon rebanding or microchipping the raptor at <http://permits.fws.gov/186A> or by submitting a signed paper form 3-186A to the department. A licensed falconer must replace a band that is removed or lost or he/she may implant an ISO-compliant (134.2 kHz) microchip in the bird and report the microchip information at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A form to the department.

(7) If a leg band on a wild bird must be removed or is lost from a raptor in a license holder's possession, the license holder must report the loss of the band within five (5) days, and must then do at least one of the following:

(A) Request a U.S. Fish and Wildlife Service nonreusable band from the department. The license holder must submit the required information immediately upon rebanding the raptor at <http://permits.fws.gov/186A> or by submitting a signed paper form 3-186A to the department.

(B) Purchase and implant an ISO-compliant (134.2 kHz) microchip in the bird and immediately report the microchip information at <http://permits.fws.gov/186A> or by submitting a signed paper form 3-186A form to the department.

(8) If a license holder documents health or injury problems for a raptor that is possessed and is caused by the band, the license holder may request an exemption from the department for that raptor. In that case, the license holder must keep a copy of the exemption paperwork on his/her person when transporting or flying the raptor. If the bird is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, the license holder must replace the band with an ISO-compliant microchip that will be supplied by the department. The department will not provide a microchip for a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon unless the license holder has demonstrated that a band causes an injury or a health problem for the bird.

(9) A license holder may not band a raptor taken from the wild with a seamless numbered band.

~~(i) (m)~~ **(m)** There are three (3) classes of A falconry licenses license issued under this section must be one of the following classes:

- (1) apprentice;
- (2) general; ~~and or~~
- (3) master.

The particular requirements are applicable to each of the classes of licenses which below are supplemental to the general requirements provided under this section.

~~(j) (n)~~ **(n)** An applicant for The particular requirements applicable to an apprentice class falconry license are as follows must meet the following requirements:

- (1) The applicant must be at least fourteen (14) years of age.
 - (2) If the applicant is under eighteen (18) years of age, the application must be co-signed by a parent or legal guardian who is legally responsible for the applicant's activities.**
 - ~~(2)~~ **(3) Submit a letter to the department from an individual who holds a general, or master, or equivalent class falconry license and agrees to sponsor the applicant as follows: An individual may not sponsor more than three (3) apprentices at a time.**
 - (A) the letter must be signed and dated and state that the sponsor will assist the applicant in the following:**
 - (i) Learning about the husbandry and training of raptors held for falconry;**
 - (ii) Learning about relevant wildlife laws and regulations; and**
 - (iii) Deciding what species of raptor is appropriate for the applicant to possess while an apprentice.**
 - (B) the sponsor must be at least eighteen (18) years old**
 - (C) the sponsor must have at least two (2) years of experience at the general falconer level.**
 - (3) The license holder shall not possess more than one (1) raptor and shall not obtain more than one (1) raptor for a replacement during any twelve (12) month period regardless of the number of state, tribal or territorial falconry permits possessed by the individual.**
 - (4) The apprentice license holder shall possess only one of wild-caught or captive-bred raptor that is either the following an American kestrel (Falco sparverius) or a red-tailed hawk (Buteo jamaicensis).**
 - (5) The apprentice class license holder does not need to capture a raptor from the wild; the raptor can be transferred to the apprentice falconer by another falconry license holder.**
 - (6) The apprentice class license holder must not possess a raptor taken from the wild as a nestling.**
 - (7) The apprentice class license holder must not possess a bird that is imprinted on humans.**
 - (8) The raptor facilities and equipment of the apprentice class license holder must pass inspection by a department conservation officer prior to the issuance of a falconry license.**
 - (9) An original, signed certification that the applicant is familiar with the state and federal laws governing falconry licenses and the list of migratory bird species to which the Migratory Bird Treaty Act applies.**
- ~~(k)~~ **(o) An applicant for The particular requirements applicable to a general class falconry license are as follows must meet the following requirements:**
- (1) An applicant must be at least ~~eighteen (18)~~ sixteen (16) years of age.**
 - (2) If the applicant is under eighteen (18) years of age, the application must be co-signed by a parent or legal guardian who is legally responsible for the applicant's activities.**
 - (2) An applicant must have submit a signed and dated document from the license holder's sponsor as required in subsection (n)(3) to the department stating that the applicant has practiced falconry with wild-caught raptor(s) at the apprentice falconer level or equivalent for at least two (2) years of experience in the practice of falconry at the apprentice level or its equivalent, including maintaining, training, flying, and hunting the raptor(s) for at least four (4) months in each year. That**

practice may include the capture and release of falconry raptors. Only those years the time in which the applicant possessed a raptor and used the bird for falconry purposes constitute experience.

(3) The license holder shall not possess more than ~~two (2)~~ three (3) raptors and shall not obtain more than one (1) raptor for a replacement during any twelve (12) month period regardless of the number of state, tribal or territorial falconry permits possessed by the individual.

(4) The license holder may not take, transport, or possess a golden eagle or any species listed as endangered or threatened by the U.S. Fish and Wildlife Service or under 312 IAC 9-4-14.

(5) The general class license holder must not substitute any falconry school program or education to shorten the period of two (2) years at the apprentice level.

(6) The general class license holder may take and possess any species of Falconiform or Strigiform except the following:

- (A) golden eagle,**
- (B) bald eagle,**
- (C) white-tailed eagle, or**
- (D) Stellar's sea-eagle.**

(7) A general class license holder may possess captive-bred raptors and hybrids of the species allowed to be possessed under this section.

(8) A general class license holder may take raptors less than one (1) year of age from the wild during the period specified in subsection (q).

(4) (p) An applicant for The particular requirements applicable to a master class falconry license are as follows must meet the following requirements:

(1) An applicant must have at least five (5) years of experience in the practice of falconry with the applicant's own raptors at the general class level or its equivalent. Only those years the time in which an applicant possessed a raptor and used the bird for falconry practices constitute experience.

(2) A license holder shall not possess more than ~~three (3)~~ five (5) wild raptors, including golden eagles, and shall not obtain more than two (2) raptors for replacement birds during any twelve (12) month period regardless of the number of state, tribal or territorial falconry permits possessed by the individual. A master class license holder may also possess no more than fifteen (15) captive-bred raptors and must train them in the pursuit of wild game and use them in hunting.

(3) Notwithstanding subsection (d)(1), a license holder may possess not more than one (1) raptor which is classified as endangered or threatened as part of the ~~three~~ five (3 5) raptor limitations provided in subdivision (2) this subsection. A master class falconer may take and possess any species of Falconiform or Strigiform except a bald eagle. However, a master class falconer may take and possess a golden eagle, a white-tailed eagle, or a Stellar's sea eagle only if the license holder meets the qualifications set forth in this subsection.

(4) A master class license holder may possess captive-bred raptors and hybrids of the species allowed to be possessed under this section.

(5) If a master class license holder meet the requirements in this subsection for falconry, the license holder may possess up to three (3) eagles at one time of the following species combined: golden eagle, white-tailed eagle, or Steller's sea eagle.

(A) The department must document the following before approving a request to possess an eagle to use in falconry:

- (1) The license holder's experience in handling large raptors, including**

information about the species the individual has handled and the type and duration of the activity in which the experience was gained.

(2) At least two letters of reference from individuals with experience handling

and/or flying large raptors such as eagles, ferruginous hawks (*Buteo regalis*),

goshawks (*Accipiter gentilis*), or great horned owls (*Bubo virginianus*).

Each must contain a concise history of the author's experience with large

raptors, which can include, but is not limited to, handling of raptors held by

zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess the license holder's ability to

care for eagles

and fly them in falconry.

(B) A golden eagle, white-tailed eagle, or Steller's sea-eagle held by the license holder will count as one of the raptors allowed to be possessed.

~~(m)~~ (q) ~~The following restrictions apply to taking~~ A license holder may take a raptor from the wild for use in falconry **only as follows:**

(1) A nonresident can lawfully take a raptor in Indiana only if:

~~(A) the nonresident has a master class falconry license or a general class falconry license issued from the state of residence; or~~

~~(B) the state which issued the license described in clause (A) allows a resident of Indiana, who has a master class falconry license or a general class falconry license, to take a raptor in that state.~~

(2) **A general or master class falconer may take** young birds not yet capable of flight (eyasses) **and nestlings in a nest or aerie may only be taken by a general or master falconer only from Friday through Monday beginning with the first Friday in May and continuing for a total of eleven (11) consecutive taking periods January 1 through August 31 of each year**, provided that at least one (1) eyass remains in the nest. No more than one (1) eyass may be taken by a general falconer and no more than two (2) eyasses may be taken by a master falconer **each year**.

(3) First year (passage) birds may be taken only from September 18 through ~~January 31~~ **the last day of February** of the following year.

~~(4) Notwithstanding subdivisions (2) through (3), a marked raptor can be retrapped.~~

~~(5) A license holder may take only an American kestrel or a great horned owl (*Bubo virginianus*) may be taken~~ **the following species** if more than one (1) year of age: **American kestrel (*Falco sparverius*) or great horned owl (*Bubo virginianus*).**

~~(6) Notwithstanding the restrictions contained in this subsection, any raptor other than a species classified as endangered or threatened, taken under a depredation or other special purpose permit, may be used for falconry by a general or a master falconer.~~

(5) A license holder may not intentionally capture a raptor species that his/her classification as a falconer does not allow to be possessed for falconry. If a license holder captures a bird that is not allowed to be possessed, it must be released immediately.

(6) A license holder may take no more than two raptors from the wild each year to use in falconry.

(7) If the license holder transfers a bird taken from the wild to another license holder in the same year in which the license holder captured it, the bird will count

as one of the raptors the license holder is allowed to take from the wild that year; it will not count as a capture by the recipient, though it will always be considered a wild bird.

(8) A license holder must not take raptors at any time or in any manner that violates any law on whose land he/she is trapping.

(9) The license holder is responsible for reporting the take of a raptor from the wild. The license holder must report the taking by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to the department. The license holder must do this at his/her first opportunity to do so, but no later than ten (10) days after the capture of the bird.

(10) If the license holder is present at the capture site, even if another person captures the bird for the license holder, the license holder is considered the person who removes the bird from the wild. The license holder is responsible for reporting the take of the bird from the wild in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to the department. This would occur, for example, if another person climbs a tree or rappells down a cliff and takes a nestling for the license holder and gives it to the license holder at the tree or cliff.

(11) If the license holder is not at the immediate location where the bird is taken from the wild, the person who removes the bird from the wild must be a General or Master Falconer, and must report take of the bird. If that person then transfers the bird to another license holder, both license holders must file 3-186A forms reporting the transaction at the first opportunity to do so, but no later than ten (10) days after the transfer. The bird will count as one of the two raptors the person who took it from the wild is allowed to capture in any year. The bird will not count as a bird the license holder who is retaining the bird took from the wild. The person who takes the bird from the wild must report the take even if he or she promptly transfers the bird to another license holder.

(12) If a license holder has a long-term or permanent physical impairment that prevents he/she from attempting to capture a species to use for falconry, a General or Master Falconer may capture a bird for the license holder. The license holder who retains the bird is then responsible for filing a 3-186A form reporting the take of the bird from the wild, and the bird will count against the take of wild raptors allowed by that license holder in any year.

(13) A license holder must promptly release any bird captured unintentionally.

(14) A master class license holder authorized to possess golden eagles for use in falconry may capture an immature or subadult golden eagle in a livestock depredation area in accordance with 50 CFR 21.29.

(15) A license holder may recapture a falconry bird that has been lost at any time. The recapture of a wild bird is not considered to be taking a bird from the wild.

(16) A license holder may recapture a raptor wearing falconry equipment or a captive-bred bird at any time, even if the license holder is not allowed to possess the species. The bird will not count against the license holder's possession limit, nor will its take from the wild count against the license holder's limit. The license holder must report the recapture of the bird to the department no more than five (5) working days after the recapture. The license holder must return a recaptured falconry bird to the person who lost it, if that person may legally possess it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the department.

(17) The license holder may take any raptor that he/she is authorized to possess from the wild if the bird is banded with a Federal Bird Banding Laboratory

aluminum band except that the license holder may not take a banded peregrine falcon from the wild and in accordance with the following:

(A) If a raptor (including a peregrine falcon) that is captured is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird, the falconer must report the capture of the bird to the department no more than five (5) working days after the capture. A license holder must return a recaptured falconry bird to the person who lost it. If that person cannot possess the bird or does not wish to possess it, the license holder may keep it in compliance with subsection (q) of this rule. Otherwise, disposition of a bird whose legal possession cannot be determined will be at the discretion of the department. While a license holder keeps a bird for return to the person who lost it, the bird will not count against that license holder's possession limit or the limit on take of raptors from the wild if the license holder has reported possessing the bird to the department.

(B) If a license holder captures a peregrine falcon that has a research band (such as a colored band with alphanumeric codes) or a research marking attached to it, the license holder must immediately release the bird, except that if the falcon has a transmitter attached to it, the license holder may possess the bird up to thirty (30) days in order to contact the researcher to determine if he or she wishes to replace the transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed, the researcher or his or her designee can make the change or allow the license holder to do so before releasing the bird. If the researcher does not wish to keep the transmitter on the falcon, the license holder may keep the bird if obtained in a state in which capture of wild peregrines is allowed.

(C) If a raptor that is captured has any other band, research marking, or transmitter attached to it, the license holder must promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263.

(D) A license holder may contact the researcher and determine if he or she wishes to replace a transmitter attached to a bird that has been captured. If so, the license holder is authorized to possess the bird up to thirty (30) days until the researcher or his or her designee does so, or until the license holder can replace it. Disposition of the bird will be at the discretion of the researcher and the department.

(E) If a license holder possesses such a bird temporarily, it will not count against the possession limit for falconry raptors.

(18) A general or master class license holder may take no more than one bird of a threatened species from the wild each year if allowed under this section and if a federal endangered species permit is obtained before taking the bird.

(19) An individual that is not licensed under this section must not handle a raptor possessed by a licensed falconer except for incidental handling to hold or practice flying a raptor possessed under the falconer's license and only if the falconry license holder is on-site and the individual is under the direct supervision of the license holder.

(r) The license holder must have his/her own falconry license(s) or legible copies of them in immediate possession at all times if the license holder is not at the location of his/her approved falconry facilities and he/she is trapping, transporting, working with, or flying the falconry raptor(s).

(s) A species or subspecies that was recently removed from the Federal List of Endangered and Threatened Wildlife may be used in falconry only as follows:

- (A) The U.S. Fish and Wildlife Service has published a management plan for the species; and
- (B) Take must be allowed in the management plan; and
- (C) The raptor is taken in accordance with the provisions for take in the plan.

(t) If a bird is injured by the trapping efforts of a license holder, the license holder is responsible for the costs of care and rehabilitation of the bird. The bird must be:

- (A) Put on the license holder's falconry license. The license holder must report take of the bird by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to the department at the first opportunity to do so, but no more than ten (10) days after capture of the bird. The license holder must then have the bird treated by a veterinarian or a rehabilitator permitted under 312 IAC 9-10-9 and 50 CFR 21.29. The bird will count against the license holder's possession limit.
- (ii) Given directly to a licensed veterinarian, or a permitted state and federally-licensed wildlife rehabilitator, or an appropriate department employee. If done so, the bird will not count against the license holder's allowed take or the number of raptors allowed to be possessed.

(u) A license holder may acquire a raptor of any age of a species that he or she is authorized to possess directly from a rehabilitator only as follows:

- (1) Transfer to a license holder is at the discretion of the rehabilitator.
- (2) After acquiring a bird from a rehabilitator, within ten (10) days of the transaction, the license holder must report it by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a completed, signed paper form 3-186A to the department.
- (3) A bird that is acquired from a rehabilitator will count as one of the raptors allowed to be taken from the wild that year.

(v) When flown free, a hybrid raptor must have at least two attached radio transmitters to assist in locating the bird.

~~(u)~~ (v) A license holder shall **release a bird only as follows:**

~~obtain prior written approval from the department before a raptor species not indigenous to Indiana is intentionally released to the wild the marker provided under subsection (h) shall be removed and surrendered to the department. A standard federal bird band shall be obtained from the department or a person licensed as a bird bander by the U.S. Fish and Wildlife Service and attached to the bird before release~~

(1) a bird that is not native to the State of Indiana, or is a hybrid of any kind, may not be released to the wild. It can only be transferred to another license holder.

(2) Before a raptor that is native to Indiana and captive-bred is released, a license holder must obtain approval from the department. Upon approval, the license holder must hack the bird (allow it to adjust) to the wild at an appropriate time of year and an appropriate location. The license holder must remove its falconry band prior to its release and return the band to the department. The bird must be released only at an appropriate time of year and an appropriate location.

(3) If the species to be released is native to Indiana and was taken from the wild, a license holder may release the bird at an appropriate time of year and an appropriate location without prior approval from the department. A license holder must remove the band prior to the release and return it to the department.

(4) The release of any bird must be reported by entering the required information in the electronic

database at <http://permits.fws.gov/186A> or by submitting a paper form 3-186A to the department within ten (10) days of its release.

(5) A license holder must not permanently release hybrid raptors to the wild.

(6) A license holder must never intentionally release a raptor for free flight while it is wearing “slitted” style mew jesses.

(w) An unlimited number of wild caught or captive-bred raptors may be transferred to a license holder, but a license holder must not exceed the possession limit for his/her license class.

(x) No matter how long such a bird is held in captivity or whether it is transferred to another license holder or permit/license type, a raptor removed from the wild for falconry is always considered a “wild” bird. However, it is considered to be taken from the wild only by the individual who originally captured it. The raptor is not considered to be taken from the wild by any subsequent license holder to whom it is legally transferred.

(y) A general or master class license holder may hack (temporary release to the wild) raptors lawfully possessed to condition raptors for falconry subject to the following:

(1) The license holder must obtain written approval from the department to hack a bird possessed for falconry purposes.

(2) Any bird that is being hacked counts against the possession limit and must be a species authorized to be possessed by that license holder.

(3) Any hybrid that is hacked must have two attached functioning radio transmitters during hacking.

(4) A license holder must not hack a falconry bird near a nesting area of a federally threatened or endangered bird species or in any other location where the raptor is likely to harm a federally listed threatened or endangered animal species that might be disturbed or taken by the falconry bird. A license holder must contact the department before hacking a falconry bird to ensure that this does not occur. A license holder can contact the United States Fish and Wildlife Service office in Indiana for information on state and federally-endangered species.

(z) A license holder may use other acceptable falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures, balloons, or kites in training or conditioning falconry raptors.

(aa) A license holder may fly falconry birds at bird species not protected by law or at pen-raised animals.

(bb) A license holder must not sell, purchase, or barter, or offer to sell, purchase, or barter:

(1) captive-bred raptors except those marked with seamless bands to other individuals who are authorized to possess them.

(2) wild-caught raptors.

Wild birds may only be transferred to individuals who are properly licensed to possess them.

(cc) A license holder may transfer a wild-caught raptor to another permit type if the recipient of the bird (which could be the license holder) possesses the necessary permits for the other activity as follows:

- (1) A license holder may transfer a wild-caught falconry bird to a raptor propagation permit after the bird has been used in falconry for at least two (2) years with the following exception: a sharp-shinned hawk, Cooper's hawk, merlin, or American kestrel may be transferred after only one year. When the bird is transferred, the license holder must provide a copy of the 3-186A form documenting acquisition of the bird by the propagator to the Federal migratory bird permit office that administers the propagation permit and to the department within ten (10) days of the transfer.
- (2) A license holder may transfer a wild-caught bird to another permit type in less than two (2) years if the bird has been injured and a veterinarian or permitted wildlife rehabilitator has determined that the bird can no longer be flown for falconry with the following exception: sharp-shinned hawks, Cooper's hawks, merlins, and American kestrels may be transferred in less than one (1) year. When a bird is transferred, the license holder must provide a copy of:
 - (A) the 3-186A form documenting acquisition of the bird, and
 - (B) the certification from the veterinarian or rehabilitator that the bird is not useable in falconry
 to the Federal migratory bird permit office that administers the other permit type and to the department.

(dd) A license holder may transfer a captive-bred raptor to another permit type if the recipient of the bird (which could be the license holder) if the holder of the other permit type is authorized to possess the bird(s). Within ten (10) days, the license holder must report the transfer by entering the required information in the electronic database at <http://permits.fws.gov/186A> or by submitting a completed, signed standard paper form 3-186A to the department.

(ee) A license holder may use raptors possessed for falconry purposes in captive propagation if the license holder or the person overseeing the propagation has the necessary permit from the U.S Fish and Wildlife Service. A license holder does not need to transfer a bird from his or her falconry license to use it for fewer than eight (8) months in a year in captive propagation, but he or she must do so to permanently transfer the bird for propagation. The bird must then be banded as required in 50 CFR 21.30.

(ff) A license holder may use a bird possessed under his or her license in conservation education programs presented in public venues as follows:

- (1) A license holder of any class may conduct conservation education activities using a falconry raptor possessed lawfully under that individual's falconry license without a special purpose educational permit from the department.
- (2) An apprentice class license holder may present conservation programs as an apprentice class license holder only if under the supervision of a general or master class license holder when presenting the program.
- (3) A license holder must use the bird primarily for falconry.

- (4) A license holder may charge a fee for presentation of a conservation education program. The fee may not exceed the amount required to recoup the costs.
- (5) Notwithstanding subsection (ii)(4), a license holder that provides conservation education programs for profit must have a special purpose education permit issued by the department under 312 IAC 9-10-9.5.
- (6) All conservation education programs must provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds, although not all of these topics must be addressed in every presentation. A license holder may not give presentations that do not address falconry and conservation education.
- (7) The license holder is responsible for all liability associated with conservation education activities that he/she undertakes in accordance with 50 CFR 13.50.
- (gg) A license holder may allow photography, filming, or other such uses of falconry raptors to make movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and other migratory birds, though no monetary compensation is allowed for doing so.
- (hh) A license holder must not use falconry raptors:
- (1) to make movies, commercials, or in other commercial ventures that are not related to falconry, or
 - (2) for entertainment;
 - (3) for advertisements;
 - (4) promotion or endorsement of any products, merchandise, goods, services, meetings, or fairs; or
 - (5) as a representation of any business, company, corporation, or other organization.
- (ii) A general or master class license holder may assist a rehabilitator licensed under 312 IAC 9-10-9 and 50 CFR 21.31 to condition raptors in preparation for their release to the wild. A license holder may keep a bird that he/she is helping to rehabilitate in his/her facilities only as follows:
- (1) The rehabilitator must provide the license holder with a letter or form that identifies the bird and explains that the license holder is assisting in its rehabilitation.
 - (2) A license holder does not need to meet the rehabilitator facility standards. A license holder must meet the facility standards in this section and is not subject to inspection for compliance with the standards in 50 CFR 21.31.
 - (3) A license holder does not have to add any raptor possessed for this purpose to the falconry license; it will remain under the permit of the rehabilitator.
 - (4) A license holder must return any such bird that cannot be permanently released to the wild to the rehabilitator for placement within the one hundred and eighty (180) day timeframe in which the rehabilitator is authorized to possess the bird, unless the United States Fish and Wildlife Service Migratory Bird Permit office authorizes the license holder to retain the bird for longer than one hundred and eighty (180) days.
 - (5) Upon coordination with the rehabilitator, the license holder must release all releasable raptors to the wild or return them to the rehabilitator for release within the one hundred and eighty (180) day timeframe in which the

rehabilitator is authorized to possess the birds, unless the United States Fish and Wildlife Service Migratory Bird Permit office authorizes the license holder to retain and condition a bird for longer than one hundred and eighty (180) days, or unless the rehabilitator transfers the bird to the license holder to hold under a falconry license.

(jj) A master class license holder may conduct abatement activities with a bird(s) possessed for falconry only with a Special Purpose Abatement permit issued by the United States Fish and Wildlife Service and the department. A general class license holder may conduct abatement activities only as a subpermittee of the holder of the abatement permit. A license holder may receive payment for providing abatement services only if in possession of a Special Purpose Abatement permit issued by the department and the United States Fish and Wildlife Service.

(kk) A license holder may possess feathers of raptors possessed under a falconry license only as follows:

- (1) For imping (replacing a damaged feather with a molted feather), a license holder may possess flight feathers for each species of raptor possessed or previously held for as long as the person has a valid falconry license. A license holder may receive feathers for imping from other permitted falconers, wildlife rehabilitators, or propagators in the United States, and may give feathers to them. A license holder must not buy, sell, or barter such feathers.
- (2) A license holder may donate feathers from a falconry bird, except golden eagle feathers, to any person or institution with a valid permit to have them, or to anyone exempt from the permit requirement under 50 CFR 21.12.
- (3) Except for primary or secondary flight feathers or retrices from a golden eagle, a license holder is not required to gather feathers that are molted or otherwise lost by a falconry bird. A license holder may leave the feathers where they fall, store them for imping, or destroy them. However, a license holder must collect molted flight feathers and retrices from a golden eagle. If a license holder chooses not to keep them for imping, the feathers must be sent to the National Eagle Repository.
- (4) A license holder must send all feathers (including body feathers) that collected from any falconry golden eagle and not needed for imping to the National Eagle Repository at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022. The telephone number at the Repository is 303-287-2110.
- (5) Upon the expiration or revocation of a falconry license, all feathers of any species of falconry raptor except a golden eagle must be:
 - (A) given to any person or any institution exempt from the permit requirement under 50 CFR 21.1,
 - (B) given to a person authorized by permit to acquire and possess the feather,
 - (C) burned,
 - (D) buried, or
 - (E) otherwise destroyed.

(ll) A license holder must dispose of a carcass of a falconry bird that dies only as follows:

- (1) For golden eagles, the entire body, including all feathers, talons, and other parts, must be sent to the National Eagle Repository.
- (2) For all other species, the body or feathers of any other species of falconry raptor may be gifted to any person or institution exempt under 50 CFR 21.12 or authorized by permit to acquire and possess such parts or feathers.

(3) If the bird was banded or microchipped prior to its death, a license holder may keep the body of any falconry raptor except that of a golden eagle. A license holder may keep the body so that the feathers are available for imping, or the body can be mounted by a taxidermist. A mounted bird may be used in giving conservation education programs. If the bird was banded, the band must remain on the body. If the bird has an implanted microchip, the microchip must be left in place.

(4) If the license holder does not wish to donate the bird body or feathers or keep it, the falconer must burn, bury, or otherwise destroy it or them within ten (10) days of the death of the bird or after final examination by a veterinarian to determine cause of death. Carcasses of euthanized raptors could pose a risk of secondary poisoning of eagles and other scavengers. A license holder must take appropriate precautions to avoid such poisonings.

(5) If the license holder does not donate the bird body or feathers or have the body mounted by a taxidermist, the license holder may possess the flight feathers for as long as the person has a valid falconry license. However, the license holder may not buy, sell, or barter the feathers. The license holder must keep the paperwork documenting the acquisition of the bird.

(mm) A visitor to the United States may qualify for a temporary falconry license appropriate for his or her experience only as follows:

(1) The permit may be valid for any period specified by the department.

(2) The visitor must correctly answer at least eighty (80) percent of the questions on the supervised examination for falconers administered by the department to demonstrate knowledge of United States Fish and Wildlife Service and Indiana falconry laws and regulations. If the visitor passes the test, the department will determine the level of temporary permit for which the person is qualified. The decision will be based on the individual's documentation of his or her experience.

(3) A person who holds a temporary falconry license may possess raptors for falconry only if the

person has falconry facilities that have been approved by the department.

(4) A holder of a temporary falconry license may fly raptors held for falconry by a licensed falconer.

(5) A holder of a temporary falconry license may not take a bird from the wild to use in falconry.

(6) For the duration of a license from the department, a visitor may use any bird for falconry that he or

she possessed legally in his or her country of residence for that purpose, provided that importation of

that species to the United States is not prohibited, and provided that he or she has met all permitting

requirements of his or her country of residence.

(7) A visitor must comply with the provisions in this section, those of the department, and all States

through which he or she will travel with the bird.

(8) The visitor may transport registered raptors. He or she may need one or more additional permits to

bring a raptor into the United States or to return home with it in compliance with 50 CFR part 14,

part 15, part 17, part 21 and part 23.

(9) Unless the visitor has the necessary permit(s) to bring a raptor into the United States and leave it

here, he or she must take raptors brought into the country for falconry out of the country when he or

she leaves. If a raptor brought into the United States dies or is lost while in the State of Indiana, the visitor must document the loss before leaving the United States by reporting the loss to the department.

(10) When flown free, any bird brought to this country temporarily must have two attached radio

transmitters that will allow the temporary license holder to locate it and attempt recovery if lost.

(nn) A surviving spouse, executor, administrator, or other legal representative of a deceased license holder may transfer any bird held by a license holder to another license holder within ninety (90) days of the death of the license holder. After ninety (90) days, disposition of a bird held under a falconry license is at the discretion of the department.

(oo) If a falconry license holder moves to Indiana and takes falconry birds with him or her, the license holder must notify the department within thirty (30) days and the United States Fish and Wildlife Service Regional Bird Permit Office of the new place of residence of address change. To obtain a new falconry license in Indiana, the person must follow the permit application procedures established in subsection (c) and apply for a falconry license within thirty (30) days. A falconer may keep falconry birds in possession while applying for a new falconry license.

~~(o) Another person may care for the birds of a falconry license holder for not more than thirty (30) days, if a written authorization from the permit holder accompanies the birds, the person is otherwise authorized to possess a raptor, and the raptor is accompanied by a properly completed federal Form 3-186A. If the transfer exceeds thirty (30) days, prior written approval must also be secured from the department. A temporary transfer under this subsection will not be approved by the department for more than ninety (90) days.~~

~~(p) Feathers that are molted or from birds held in captivity which die may be retained or exchanged by a falconer only for imping purposes.~~

~~(q) (pp) A person~~ **An individual**, other than a **person with a valid falconry falconer issued a license under this section**, must not hunt or possess a wild animal taken with the aid of a raptor, **except that a license holder may be accompanied by a relative or friend that has not paid a fee to accompany the license holder. The person that accompanies a license holder must not handle the birds possessed under the falconry license and must not retain possession of any wild animals taken with the aid of a raptor.**

~~(r) (qq) The bag limits and seasons for taking~~ **A license holder may take** wild animals by the use of a raptor **are only** as follows:

(1) The season for hunting ~~and possessing~~:

- (A) **eastern cottontail** rabbits, **northern bobwhite** quail, and **ring-necked** pheasants is from September 1 through February 28 of the following year; and
- (B) **gray and fox** squirrels is from August 15 through February 15.

(2) The daily bag limit per raptor is two (2) rabbits, one (1) quail, ~~one (1)~~ **two (2)** squirrels, and one (1) pheasant, except during the seasons for these wild animals established under 312 IAC 9-3 and 312 IAC 9-4, when the daily bag limits established under those provisions apply.

(3) The season and bag limits for taking waterfowl and migratory birds are those set forth in 312 IAC 9-4 **and 50 CFR 21.**

- (4) A ~~falconer~~ **license holder** whose raptor kills an animal **without the intent of the license holder** that is not in **the regular hunting** season or is in excess of a bag limit must ~~leave the dead animal where killed~~ **not take the animal into the license holder's possession**, but the raptor may feed upon the dead animal before leaving the site.
- (5) A license holder may hunt a species listed in subsection (tt)(1) during any time of day.
- (x) A license holder may possess a handgun in accordance with IC 35-47 while hunting with a raptor under this section if the individual:
- (A) has a valid unlimited license to carry a handgun issued under IC 35-47-2-3;
 - (B) has a valid unlimited license to carry a handgun recognized under IC 35-47-2-21(b); or
 - (C) is not required to possess a license to carry a handgun under IC 35-47-2-2.
- (6) A license holder must report take of any federally listed threatened or endangered species to the United States Fish and Wildlife Service Ecological Services Field Office for the location in which the take occurred.
- (7) A license holder that is hunting gray squirrels, fox squirrels, eastern cottontail rabbits, bobwhite quail and ring-necked pheasants is exempt from wearing hunter orange on property where the discharging of a firearm is prohibited by local ordinance, unless the license holder is in possession of a firearm.
- (8) A license holder may hunt:
- (A) American crows,
 - (B) European starlings,
 - (C) English sparrows, and
 - (D) Rock pigeons
- with the use or aid of a motor driven conveyance that is:
- (A) not under power,
 - (B) not in motion, and
 - (C) on private property
- if the license holder is not in possession of a firearm.
- (rr) A license holder does not need special or written permission to hunt wild animals on public lands if it is authorized on that property. However, the license holder must comply with all applicable federal and state laws regarding falconry activities, including hunting. The falconry license does not authorize a license holder to capture or release raptors or practice falconry on public lands if it is prohibited on those lands, or on private property, without permission from the landowner or custodian.
- (ss) In practicing falconry, a license holder must ensure that activities do not cause the take of state or federally listed threatened or endangered wildlife. "Take" under the Endangered Species Act means "to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct" (Endangered Species Act § 3(18)). Within this definition, "harass" means any act that may injure wildlife by disrupting normal behavior, including breeding, feeding, or sheltering, and harm" means an act that actually kills or injures wildlife (50 CFR 17.3). To obtain information about threatened or endangered species that may occur in Indiana, contact the department or the United States Fish and Wildlife Service office for information.

(tt) With a falconry bird, a person may take any species listed in 50 CFR parts 21.43, 44, 45, or 46 at any time in accordance with the conditions of the applicable depredation order, as long as the license holder is not paid for doing so.

~~(s) A raptor possessed under this section may not be used for display or educational purposes except according to a permit issued under section 9(f) of this rule.~~

~~(t) A falconry license holder may not propagate raptors without a permit issued by the U.S. Fish and Wildlife Service with a copy of the permit and federal reports provided to the department. Written permission must be obtained from the department before a raptor bred in captivity is released in Indiana. No interspecific hybrid shall be intentionally released.~~

~~(u)~~ **(uu)** A person may possess a raptor which was lawfully acquired before July 23, 1992, even though not in conformance with a requirement of this section, if the raptor is properly identified with a ~~marker~~ **band** supplied by the U.S. Fish and Wildlife Service.

(vv) Upon request of the person whose falconry license has been revoked, the department may restore the person's falconry license at the end of the revocation period in accordance with IC 4-21.5.

(ww) The following definitions apply to this section:

(1) "Abatement" means the use of a raptor to mitigate depredation and nuisance problems from other migratory birds for the protection of human health and safety and domestic and wild animals.

(2) "Captive-bred" means raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

(3) "Eyass" means a young raptor that is still in the nest or aerie and is not capable of flying.

(4) "Passage" means a raptor that is still in its immature plumage, with no presence of new adult tail or primary wing feathers.

(5) "Giant hood" means any enclosure that affords protection and a suitable perching surface, be it a modified dog style carrier, cardboard box, custom plastic or wood constructed enclosure, including the enclosed areas of truck beds, vans and SUV's with perching set-ups such as those used by falcons.

(6) "Hack" means to temporarily release a raptor held for falconry to the wild so that it must survive on its own.

(7) "Hybrid" means an offspring of birds listed as two or more distinct species in 50 CFR 10.13, or offspring of birds recognized by ornithological authorities as two or more distinct species

listed in 50 CFR 10.13

(8) "Imping" means to graft new feathers onto the wing of a trained raptor to repair damage or increase flying capacity.

(9) "Imprinted" means a bird that is hand-raised in isolation from the sight of other raptors from two (2) weeks of age until it has fledged. An imprinted bird is considered to be so for its entire lifetime.

(10) "Retrices" means the long, stiff, asymmetrically shaped, but symmetrically paired feathers on the tail of a bird.

(11) "Wild bird" means a bird that was originally taken from the wild.

(Natural Resources Commission; 312 IAC 9-10-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)